REMARKS

The above-referenced patent application has been reviewed in light of the Office Action,

dated **January 19, 2005** in which claims 1-16 are rejected under 35 U.S.C. § 102(a) in view of

Sandberg (US Patent 5,522,045). In response, Applicants respectfully disagree.

Nonetheless, in an effort to expedite prosecution of this matter, and without adopting the

characterization of the claims provided in the Action, Applicants offer to amend claims 1, 5, 6,

10, 11 and 15 as presented above and to cancel claims 2-4, 7-9 and 12-14.

In addition, Applicants have introduced new claims 17-22 as presented above. Support

for these claims can be found in the original specification, claims and/or figures.

Rejections under 35 U.S.C. § 102(a):

On page 2 of the Action, claim 1 is rejected under 35 U.S.C. § 102(a) as being anticipated

by Sandberg.

Claim 1, as currently amended, states:

> An apparatus comprising:
> a data path output unit to output a packet header, the packet header including:
> a format field to partially specify the packet header format; and
> a type field to specify a transaction type, wherein the format
> field and the type field together specify the packet header format,
> *the format field also indicates the size of the packet header and*
> *whether the packet includes data.*

Emphasis added.

The Action provides that Sandberg teaches the apparatus of claim 1. However, Sandberg

only discloses packet headers for packets which *always contain data.* For example, Sandberg

describes that in addition to a header, a packet contains either a physical or a virtual address

(both are forms of data). See Col. 13, lines 27 & 28. Since, the packet headers described in

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Sandberg are for packets which *always contain data*, it makes no sense for these packet headers to indicate whether the packet includes data.   Accordingly, Sandberg fails to describe a packet header as cited in claim 1 where, "the format field also indicates the size of the packet header and *whether the packet includes data*." Emphasis added. Thus, Applicants respectfully request that the 35 U.S.C. § 102(a) rejection of claim 1 be withdrawn.

Independent claims 6 and 11 also include similar elements to claim 1. Additionally, claims 5, 10, 15 and 16 depend from one of independent claims 1, 6 and 11. Thus, Applicants respectfully request that the 35 U.S.C. § 102(a) rejections of independent claims 6 and 11 and dependent claims 5, 6, 10, 11, 15 and 16 be withdrawn.

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Conclusion

For at least the foregoing reasons, Applicants respectfully submit that claims 1, 5, 6, 10,

11 and 15-22 are in condition for allowance and such action is earnestly solicited. *The*

Examiner is respectfully requested to contact the undersigned by telephone if it is believed that

such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number

50-0221.

Respectfully submitted,
Harriman et al.

Date: __April 11, 2005__   by:_____
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